

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ZAIDA ESPANA, and
VITALIA MERO,
Plaintiffs,

v.

MIDWEST WIRE SPECIALTIES, INC.,
Defendant.

JURISDICTION DEMANDED

CASE #:

Judge:

Magistrate:

01C 0210

JUDGE PALLMEYER

MAGISTRATE JUDGE SCHENKIER

FILED

JAN 11 2001

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DOCKETED

JAN 12 2001

COMPLAINT

Plaintiffs, by their undersigned attorney, and for their complaint of discrimination against Defendant, state as follows:

NATURE OF CASE

1. The cause of action for Plaintiffs arises under Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e, as amended.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter based upon 42 U.S.C. 2000e.
3. Venue in the Northern District of Illinois is proper. The claim for relief arose in this state as required by 42 U.S.C. 2000e.

4. All conditions precedent have been fulfilled by each Plaintiff, including the filing of a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") of the United States Government, and a request and receipt of Right-to-Sue Letters. **(Said Charges And Right to Sue Letters Are Attached Hereto as Exhibit A).**

PARTIES

5. Plaintiff, ZAIDA ESPANA ("ESPANA"), is female and a resident of the state of Illinois.

6. Plaintiff, VITALIA MERO ("MERO"), is female and a resident of the state of Illinois.

7. Defendant, MIDWEST WIRE SPECIALTIES, INC. is duly registered to conduct business in the state of Illinois.

8. At all times pertinent hereto, Defendant, MIDWEST WIRE SPECIALTIES, has been engaged in an industry affecting commerce and has had fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

9. That after investigating the EEOC charge of Plaintiff, MERO, the EEOC concluded and issued a report as follows:

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by the Plant Manager and by a co-worker.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party on the basis of her sex, in violation of Title VII. The evidence shows that the Plant Manager sexually harassed Charging Party. **(Attached As Exhibit B).**

10. That after investigating the EEOC charge of Plaintiff, ESPANA, the EEOC concluded and issued a report as follows:

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by her supervisor and retaliated against for complaining about the harassment.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party on the basis of her sex, in violation of Title VII. The evidence shows that Charging Party's supervisor sexually harassed her and that she was not returned to her position after she made a sexual harassment complaint. **(Attached As Exhibit C).**

COUNT I - ZAIDA ESPANA'S HOSTILE ENVIRONMENT
SEXUAL HARASSMENT CLAIM

11. That ESPANA was hired by Defendant on or about June 6, 1996 as a Machine Operator.

12. That Plaintiff was subsequently promoted to the position of Welder Supervisor.

13. That at times material herein, Plaintiff was employed as a Welder Supervisor and was subsequently demoted to a position in Defendant's shipping department.

14. That during her employment, ESPANA performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.

15. That during her employment with Defendant, Plaintiff was supervised by ROBERT ANZURES ("ANZURES"), Supervisor.

16. That starting in January 1998 and continuing until November of 1998, ESPANA was subjected to persistent sexual harassment by ANZURES.

17. That during said period, ANZURES would walk up behind ESPANA while she was welding and grab her waist with both hands or run one finger down her back approximately six (6) times per day.

18. That ESPANA would ask ANZURES to stop and back away from him to maintain her physical distance from him. In response, ANZURES would laugh and ask Plaintiff why she was "so chicken."

19. That on other occasions, ANZURES would approach Plaintiff from behind and blow air in Plaintiff's ear.

20. That in addition, ANZURES made sexually explicit comments to Plaintiff such as: "You look nice today" or "those pants look nice and tight on you," and would ask ESPANA "when will you accept an invitation to get out?" or "do you want to go get some coffee?"

21. That furthermore, ANZURES would ask that Plaintiff take off her sweater so he could see her blouse.

22. That in August of 1998, ESPANA witnessed the Plant manager, CHARLES SCHLISMANN ("SCHLISMANN"), with his penis exposed in front of another female employee, Margarita (Last Name Unknown). SCHLISMANN grabbed a mask to cover his penis and ESPANA left the area.

23. That on November 10, 1998 while welding, ESPANA was approached by ANZURES who asked her to help him search for some molding located on the second floor; ESPANA resisted but ANZURES insisted; ESPANA ultimately went with him to search for the molding. After they could not locate the molding and were coming down the stairs, ANZURES pushed ESPANA by the shoulders up against the wall, grabbed and attempted to kiss her mouth.

24. That ESPANA moved her head from one side to the other to prevent him from connecting with her mouth. Nevertheless, ANZURES was able to kiss her on the neck and cheeks.

25. That ANZURES only stopped and freed Plaintiff after he observed another employee, Louis Terraza, in the area.

26. That ESPANA told ANZURES not to bother her again and to leave her alone. ESPANA also told him that she did not approve of his sexual overtures nor was she interested in having a personal relationship with him.

27. That ESPANA did not report ANZURES to the plant manager, SCHLISMANN, because he is also known for harassing female workers in the plant and because ESPANA's sister previously reported the sexual harassment she [Claudia Espana] was going through in the hands of ANZURES and was ultimately retaliated against and constructively discharged.

28. That on November 24, 1998, ESPANA was transferred to the shipping department by ANZURES. Her salary was also reduced from \$8.50 per hour to \$8.00 per hour.

29. That ANZURES began requiring that ESPANA work alone on tasks that usually requires two employees to accomplish.

30. That ESPANA questioned her demotion and salary reduction with SCHLISMANN. He promised ESPANA that she would return to her former position within

two weeks.

31. That ESPANA was never transferred back to her welding supervisor position. Instead, ESPANA was replaced by Estela Garcia who is known to be ANZURES' girlfriend.

32. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees, and officers, especially ANZURES with respect to sexual harassment of female employees.

33. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to employ an effective anti-sexual harassment policy with respect to its employees and agents, especially ANZURES.

34. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against ANZURES after it became aware that he was making unwelcome sexual advances toward women who worked for him and assaulting them on an ongoing basis.

35. That as a result of these failures by Defendant, ANZURES continued to use his authority as supervisor to force his unwelcome sexual advances, offensive conduct and assault on ESPANA and several other subordinate females on an ongoing basis.

36. That Defendant's treatment of ESPANA was motivated by evil motive and intent and was in reckless and callous indifference to ESPANA's federally protected rights.

37. That the sex discrimination and sexual harassment that ESPANA was subjected to in the hands of Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for ESPANA.

38. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

39. That as a direct and proximate result of said unlawful employment practices and disregard for ESPANA's rights and sensibilities, ESPANA has lost and will continue to lose substantial income, including but not limited to wages, fringes, pension, seniority benefits, and other employment benefits that are due her.

40. That as a further direct and proximate result of said unlawful employment practices, ESPANA has suffered the indignity of discrimination, the invasion of her right to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between ESPANA and her friends and family.

41. That as a further direct and proximate result of said unlawful employment practices, ESPANA has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award ESPANA appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award ESPANA a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations.
- h. Grant such other and further relief as this court deems just and proper.

COUNT II
COMPLAINT OF ZAIDA ESPANA FOR
QUID PRO QUO SEXUAL HARASSMENT

42. ESPANA incorporates the preceding paragraphs by reference here.

43. That Defendant's conduct in harassing and mistreating Plaintiff, ESPANA, amounts to quid pro quo sexual harassment in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award ESPANA appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award ESPANA a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization.

- h. Grant such other and further relief as this court deems just and proper.

COUNT III
COMPLAINT OF ZAIDA ESPANA FOR RETALIATION

44. ESPANA incorporates the preceding paragraphs by reference here.

45. That Defendant's conduct in harassing and mistreating Plaintiff, ESPANA, was a result of Plaintiff's assertion of her civil rights and her opposition of conduct which ESPANA in good faith believed to be sex discrimination and sexual harassment.

46. That Defendant's treatment of Plaintiff amounts to retaliation in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award ESPANA appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.

- d. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award ESPANA a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization.
- h. Grant such other and further relief as this court deems just and proper.

**COUNT IV - VITALIA MERO'S HOSTILE
ENVIRONMENT SEXUAL HARASSMENT CLAIM**

47. MERO incorporates the preceding paragraphs by reference here.
48. That MERO was hired by Defendant in March 1996 as a packer.
49. That during her employment, MERO performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
50. That starting about May 1997 and continuing until about March 30, 1999, MERO was subjected to persistent sexual harassment by SCHLISMANN.
51. That SCHLISMANN would tell MERO: "I like you" or "I would like to go out with you" approximately three (3) to four (4) times per week.
52. That SCHLISMANN made further comments such as: "I like your mouth", "I like your hands" or "I like how you painted your nails."
53. That about June 1998, MERO was returning to her work area from a bathroom break when SCHLISMANN grabbed, kissed and placed his tongue in her mouth while groping her buttocks.

54. That a co-worker, JOHNNY COMER ("COMER"), witnessed MERO struggling to break free from SCHLISMANN. COMER complained to SCHLISMANN that he [SCHLISMANN] should not be doing that to MERO.

55. That being afraid COMER would report the incident, SCHLISMANN paid COMER two hundred dollars (\$200) to keep him from reporting. COMER accepted the money from SCHLISMANN and never reported him.

56. That in or about October 1998 while MERO was on break reading a book, SCHLISMANN came up behind her, kissed her neck and asked "what are you reading?"

57. That on March 11, 1999, a co-worker, FARON SOTH ("SOTH"), asked MERO if she wanted to have sex with him and Miguel (last name unknown). MERO reported said sexual harassment to the immediate supervisor, Jim (last name unknown). On the same day, SCHLISMANN told her to write a complaint about SOTH which she complied with.

58. That on March 18, 1999, SCHLISMANN used the matter of SOTH's sexual harassment as a pretext to approach MERO. He asked if everything was all right and then attempted to kiss MERO.

59. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees, and officers, especially SCHLISMANN with respect to sexual

harassment of female employees.

60. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to employ an effective anti-sexual harassment policy with respect to its employees and agents, especially SCHLISMANN.

61. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against SCHLISMANN after it became aware that he was making unwelcome sexual advances toward women who worked under his supervision and assaulting them on an ongoing basis.

62. That as a result of these failures by Defendant, SCHLISMANN continued to use his authority as supervisor to force his unwelcome sexual advances, offensive conduct and assault on MERO and several other subordinate females on an ongoing basis.

63. That Defendant's treatment of MERO was motivated by evil motive and intent and was in reckless and callous indifference to MERO's federally protected rights.

64. That the sex discrimination and sexual harassment that MERO was subjected to in the hands of Defendant's, their agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for MERO.

65. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

66. That as a direct and proximate result of said unlawful employment practices and disregard for MERO's rights and sensibilities, MERO has lost and will continue to lose substantial income, including but not limited to wages, fringes, pension, seniority benefits, and other employment benefits that are due her.

67. That as a further direct and proximate result of said unlawful employment practices, MERO has suffered the indignity of discrimination, the invasion of her right to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between MERO and her friends and family.

68. That as a further direct and proximate result of said unlawful employment practices, MERO has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

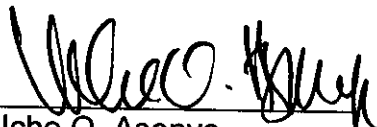
WHEREFORE, MERO, respectfully requests that the Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant, MIDWEST WIRE SPECIALTIES, from further acts of sex discrimination and sexual harassment.
- c. Award MERO appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award MERO costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award MERO a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant, MIDWEST WIRE SPECIALTIES, for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations.
- h. Grant such other and further relief as this court deems just and proper.

RESPECTFULLY SUBMITTED,

ZAIDA ESPANA,
VITALIA MERO,

BY


Uche O. Asonye
Their Attorney

06209522
ASONYE & ASSOCIATES
11 South LaSalle Street Suite 2140
Chicago, Illinois 60603
(312) 795-9110

JURY DEMAND

NOW COME Plaintiffs by their undersigned attorney and demand a trial by jury in the above entitled cause of action.

RESPECTFULLY SUBMITTED,

ZAIDA ESPANA,
VITALIA MERO,

BY



Uche O. Asonye
Their Attorney

06209522
ASONYE & ASSOCIATES
11 South LaSalle Street Suite 2140
Chicago, Illinois 60603
(312) 795-9110

CHARGE OF DISCRIMINATION

Form is affected by the Privacy Act of 1974; See Privacy Act Statement before filing this form.

FEPA
 EEOC

210992104

Illinois Dept. of Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

(773) 542-4791

Ms. Zaida K. Espana
STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

2274 S Homan, Chicago, IL 60623

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Mid-West Wire Specialty
STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

Cat A (15-100)

(773) 292-6300

4545 W. Cortland, Chicago, IL 60639

TELEPHONE NUMBER (Include Area Code)

031

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- RETALIATION
- AGE
- DISABILITY
- OTHER (Specify)

01/15/1998 01/20/1999

CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was hired by Respondent on June 6, 1996 as a Machine Operator. I was promoted to the position of Welder Supervisor in June, 1997.

II. In January, 1998, Roberto Anzures, Plant Supervisor, was transferred to my work shift. From January, 1998 until November 10, 1998, Mr. Anzures sexually harassed me on a continual basis by grabbing my body and asking me to remove my clothes. On November 10, 1998, Mr. Anzures pinned me against a wall and tried to kiss me.

III. On November 24, 1998, Mr. Anzures transferred me to another department and lowered my salary. I have since asked for an explanation as to why I was transferred, but have received none. Prior to being transferred, I had performed my duties satisfactorily and had received no disciplinary action.

IV. Since January 20, 1999, when Respondent was made aware of a charge of sexual discrimination that I filed through the Commission of Human Rights of the City of Chicago, I have been subjected to new and unfair conditions of employment. Specifically, I have been disciplined and monitored in ways that are not applied to other similarly situated employees.

V. I believe that I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that I was sexually harassed by the aforementioned employee on a continual basis from January, 1998 through November 10, 1998. I

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date Zaida K. Espana
Charging Party (Signature)

EXHIBIT
A

CHICAGO DISTRICT OFFICE
AND SWORN TO BEFORE ME THIS DATE
(month and year)

FILE COPY

Mar 23 14:41 1999 CP Initials Z.K.E. Chg # 210992104, Attachment Page 1

RECEIVED EEOC

Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

CHICAGO DISTRICT OFFICE

also believe that I was transferred out of my unit as a result of having rejected said individual's advances. Finally, I believe that I was retaliated against for having filed a charge of sexual discrimination with the Commission on Human Relations of the City of Chicago in that I have since been subjected to new and unfair employment conditions.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE -- TITLE VII / ADA/ADEA
(Conciliation Failure)

To: CERTIFIED MAIL NO.: 7099-3400-0006-7309-2142 CP ATTY.
Zaida K. Espana
2234 South Homan
Chicago, Illinois 60623

From:
Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661-2511

On behalf of a person aggrieved whose identity is CONFIDENTIAL
(29 C.F.R. 1601.7(a))

Charge Number	EEOC Representative	Telephone Number
210992104	Ms. Karen Sheley, Investigator	(312) 886-9466

(See the additional information attached to this form)

The Commission has found reasonable cause to believe that your charge of employment discrimination is true but has not entered into a conciliation agreement to which you are a party because attempts to achieve such a voluntary settlement with respondent(s) have been unsuccessful.

The Commission has determined that it will not bring a civil action against the respondent(s) and accordingly is issuing this Notice of Right to Sue. With the issuance of this Notice the Commission terminates its process with respect to your charge, except that the Commission may seek status as intervenor if you decide to sue on your own behalf as described below.

If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM YOUR RECEIPT OF THIS NOTICE OF RIGHT TO SUE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

Your suit may include any allegation contained in your charge of employment discrimination or any matter which was or should have been discovered by the Commission during its investigation of your charge.

On Behalf of the Commission

October 31, 2000


John P. Rowe, District Director

Enclosures

- Information sheet
- Copy of Charge

cc: Respondent(s) Midwest Wire Specialties Company, Inc.

CHARGE: DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 210992218
Form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
<u>Illinois Dept. of Human Rights</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) <u>Mrs. Vitalia Mero</u>		HOME TELEPHONE (Include Area Code) <u>(773) 836-0189</u>	
STREET ADDRESS <u>2737 N. Merrimac, Chicago, IL 60639</u>		CITY, STATE AND ZIP CODE	
DATE OF BIRTH		NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)	
NAME <u>Midwest Wire Specialties Co Inc</u>	NUMBER OF EMPLOYEES <u>Cat A (15-100)</u>	TELEPHONE (Include Area Code) <u>(773) 292-6300</u>	
STREET ADDRESS <u>4545 W. Cortland, Chicago, IL 60639</u>	CITY, STATE AND ZIP CODE	COUNTY <u>031</u>	RECEIVED EEOC MAR 31 1999
NAME	TELEPHONE NUMBER (Include Area Code)		COUNTY
STREET ADDRESS	CITY, STATE AND ZIP CODE CHICAGO DISTRICT OFFICE		COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST LATEST <u>05/01/1997</u> <u>03/31/1999</u> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I was hired by the above named Respondent on or about March 1996 as a Packer. Since May 1997, and continuing, I have been sexually harassed by my Manager. On March 11, 1999, I was sexually harassed by a co-worker. I immediately complained to Respondent about my co-worker. Respondent commenced an investigation regarding mine and other co-worker's allegations of sexual harassment. On March 23, 1999, my Manager told me not to say anything about my problems with him because he was in big trouble.			
II. I believe that I have been discriminated against because of my sex, Female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that:			
a. I have been sexually harassed by my Manager since May 1997;			
b. Most recently, I was also sexually harassed by a co-worker, I complained to Respondent. Respondent is currently making an internal investigation.			
<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <u>3/31/99</u> <u>Vitalia Mero</u> Charging Party (Signature)		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE -- TITLE VII / ADA/ADEA

(Conciliation Failure)

To: CERTIFIED MAIL NO.: 7099-3400-0906-7309-2142 CP ATTY.

Vitalia Mero
2737 North Merrimac
Chicago, Illinois 60639

From:

Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661-2511

On behalf of a person aggrieved whose identity is CONFIDENTIAL
(29 C.F.R. 1601.7(a))

Charge Number

210992218

EEOC Representative

Ms. Karen Sheley, Investigator

Telephone Number

(312) 886-9466

(See the additional information attached to this form)

The Commission has found reasonable cause to believe that your charge of employment discrimination is true but has not entered into a conciliation agreement to which you are a party because attempts to achieve such a voluntary settlement with respondent(s) have been unsuccessful.

The Commission has determined that it will not bring a civil action against the respondent(s) and accordingly is issuing this Notice of Right to Sue. With the issuance of this Notice the Commission terminates its process with respect to your charge, except that the Commission may seek status as intervenor if you decide to sue on your own behalf as described below.

If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM YOUR RECEIPT OF THIS NOTICE OF RIGHT TO SUE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

Your suit may include any allegation contained in your charge of employment discrimination or any matter which was or should have been discovered by the Commission during its investigation of your charge.

On Behalf of the Commission

October 31, 2000



John P. Rowe, District Director

Enclosures

Information sheet
Copy of Charge

cc: Respondent(s) Midwest Wire Specialties Company, Inc.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

EEOC Charge Number: 210992218

Vitalia Mero
2737 North Merrimac
Chicago, Illinois 60639

Charging Party

vs.

Midwest Wire Specialties Co. Inc.
4545 West. Courtland
Chicago, Illinois 60639

Respondent

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

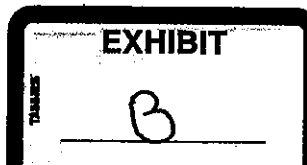
The Respondent is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by the Plant Manager and by a co-worker.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against the Charging Party on the basis of her sex, in violation of Title VII. The evidence shows that the Plant Manager sexually harassed Charging Party.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits,



EEOC Charge Number: 210992218
Page 2 of 2

injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent within 14 days, we may conclude that further conciliation efforts would be futile or non-productive.

On Behalf of the Commission,

September 14, 2000
Date


John P. Rowe
District Director



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

EEOC Charge Number: 210992104

Zaida España
2234 South Homan
Chicago, Illinois 60623

Charging Party

vs.

Midwest Wire Specialties Co. Inc.
4545 West. Courtland
Chicago, Illinois 60639

Respondent

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

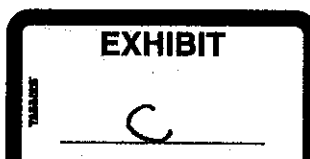
The Respondent is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by her supervisor and retaliated against for complaining about the harassment.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against the Charging Party on the basis of her sex and retaliated against her for making a complaint about the harassment, in violation of Title VII. The evidence shows that Charging Party's supervisor sexually harassed her and that she was not returned to her position after she made a sexual harassment complaint.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide



EEOC Charge Number: 210992104

Page 2 of 2

corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent within 14 days, we may conclude that further conciliation efforts would be futile or non-productive.

On Behalf of the Commission,

September 14, 2000
Date


John P. Rowe
District Director

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Zaida Espana, and
Vitalia Mero

MAGISTRATE JUDGE SCHENKIER

DEFENDANTS

Midwest Wire Specialties

FILED

JAN 11 2001

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

01C

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

0210

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

DOCKETED
JAN 12 2001

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Uche O. Asonye
Asonye & Associates
11 South LaSalle Street, Suite 2140
Chicago, IL 60603 (312)795-9110

ATTORNEYS (IF KNOWN)

Donna Colley
Berens & Tate, P.C.
10050 Regency Circle, Suite 400
Omaha, NE 68114 (402)391-1991

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Cause of action for Plaintiffs arises under Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e, as amended.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

<p>CONTRACT</p> <ul style="list-style-type: none"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Millor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability 	<p>TORTS</p> <p>PERSONAL INJURY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <p>PERSONAL INJURY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability 	<p>FORFEITURE/PENALTY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <p>LABOR</p> <ul style="list-style-type: none"> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act 	<p>BANKRUPTCY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <ul style="list-style-type: none"> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 	<p>OTHER STATUTES</p> <ul style="list-style-type: none"> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<p>REAL PROPERTY</p> <ul style="list-style-type: none"> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property 	<p>CIVIL RIGHTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights 	<p>PRISONER PETITIONS</p> <ul style="list-style-type: none"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights 		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
 - 2 Removed from State Court
 - 3 Remanded from Appellate Court
 - 4 Reinstated or Reopened
 - 5 another district (specify)
 - 6 Multidistrict Litigation
 - 7 Judge from Magistrate
- Transferred from Appeal to District

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. REMARKS

In response to is not a refiling of a previously dismissed action

General Rule 2.21D(2) this case is a refiling of case number _____ of Judge _____

DATE

1/11/01

SIGNATURE OF ATTORNEY OF RECORD

Uche O. Asonye

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

FILED

JAN 11 2001

MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

Case Number: **01C 0210**

In the Matter of
Zaida Espana & Vitalia Mero,

v.

Midwest Wire Specialties,
Inc.,

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Attorney for Plaintiffs

JUDGE PALMEYER

(A)	MAGISTRATE JUDGE SCHENKIER (B)
SIGNATURE <i>Uche O. Asonye</i>	SIGNATURE
NAME Uche O. Asonye	NAME
FIRM Asonye & Associates	FIRM
STREET ADDRESS 11 South LaSalle Street, Suite 2140	STREET ADDRESS
CITY/STATE/ZIP Chicago, Illinois 60603	CITY/STATE/ZIP
TELEPHONE NUMBER (312) 795-9110	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06209522	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>

DOCKETED
JAN 12 2001